

**ZB# 96-31**

**Esther Tepper**

**73-2-20**

#96-31-Tepper, Esther

Area- 73-2-20

Prelim.

June 10, 1996

~~Plomere~~  
(~~Plomere~~ has App's.)

Motion to Suspend P.H.  
Notice to Tepper - 6/4/96.

Public Hearing:

June 24, 1996.

- ① Deed it
- ② Proxy it
- ③ Fees ① 50.00 ② 300.00 ④

④ Power of Atty.

Area Variance  
Granted 6/24/96

Refund: \$ 203.00

TOWN OF NEW WINDSOR  
555 Union Avenue  
New Windsor, NY 12553

## General Receipt

15579

Received from

*Delomera Sousa*

*June 11* 19*96*

\$ *50.00*

*Fifty and*

*00*

DOLLARS

For *ZBa App. #96-31*

*100*

DISTRIBUTION:

FUND	CODE	AMOUNT
<i>CK 6681</i>		<i>50.00</i>

By

*Dorothy Hansen*  
*Town Clerk*

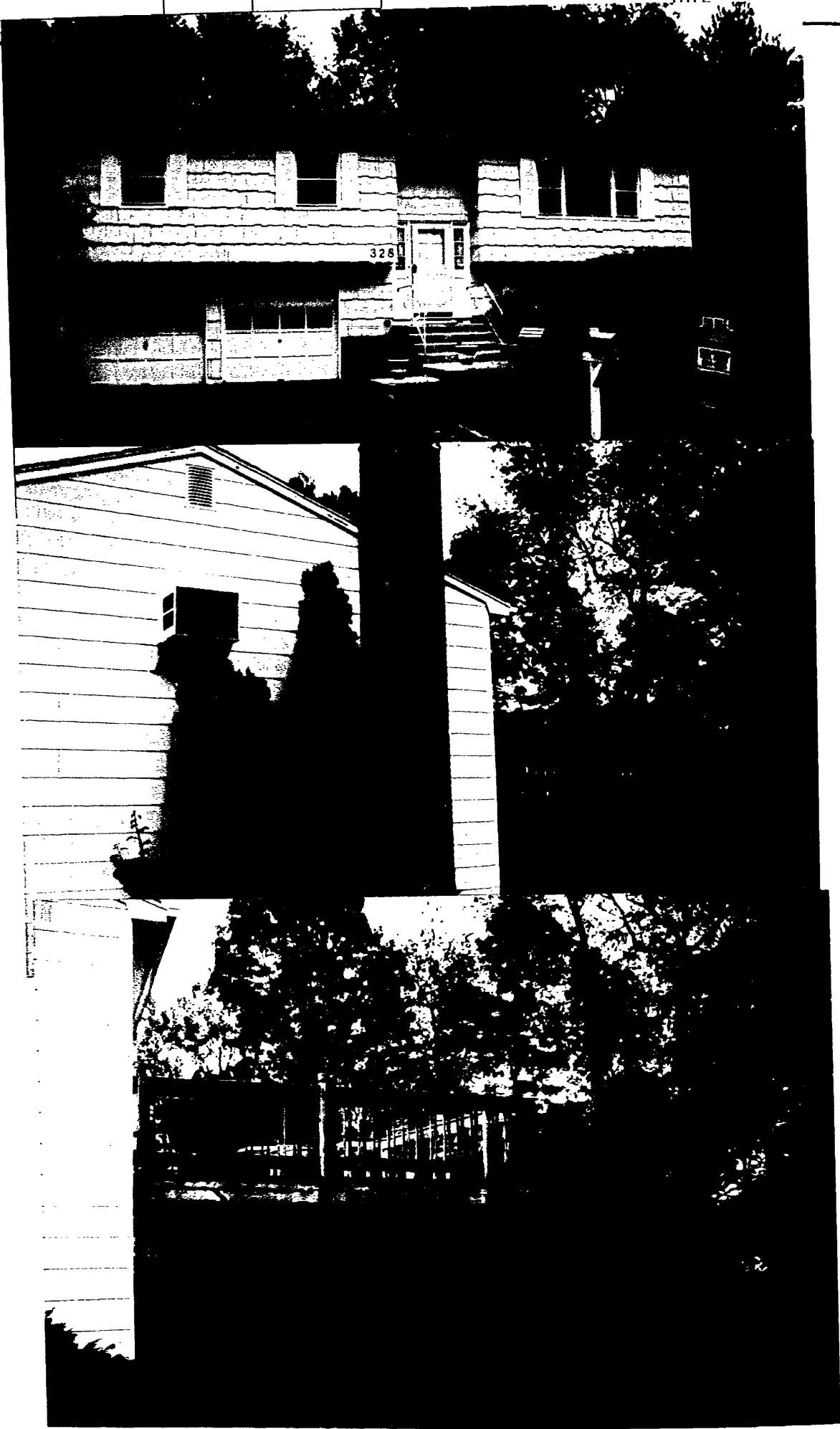


DISTRIBUTION:

FUND	CODE	AMOUNT
CR 6681		50.00

By Dorothy Hansen  
Town Clerk

WILL







100-100

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Tepper, Esther

FILE # 96-31

RESIDENTIAL: \$ 50.00  
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA ☒

USE ☐

APPLICATION FOR VARIANCE FEE . . . . . \$ 50.00

*Paid*  
*ck. 6680*

ESCROW DEPOSIT FOR CONSULTANT FEES . . . . . \$ 300.00

*Paid*  
*ck # 6681*  
*6/11/96*

DISBURSEMENTS -

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING - PER PAGE *6/10/96 - 2 pages* \$ 9.00  
2ND PRELIM. MEETING - PER PAGE *6/26/96 - 4 pages* \$ 18.00  
3RD PRELIM. MEETING - PER PAGE \$ \_\_\_\_\_  
PUBLIC HEARING - PER PAGE \$ \_\_\_\_\_  
PUBLIC HEARING (CONT'D) PER PAGE \$ \_\_\_\_\_

TOTAL . . . . . \$ 27.00

ATTORNEY'S FEES: \$35.00 PER MEETING

PRELIM. MEETING: *6/10/96* \$ 35.00  
2ND PRELIM. *6/26/96* \$ 35.00  
3RD PRELIM. \$ \_\_\_\_\_  
PUBLIC HEARING \$ \_\_\_\_\_  
PUBLIC HEARING \$ \_\_\_\_\_

TOTAL . . . . . \$ 70.00

MISC. CHARGES:

\_\_\_\_\_ \$ 97.00  
TOTAL . . . . . \$ \_\_\_\_\_

LESS ESCROW DEPOSIT . . . \$ 300.00  
(ADDL. CHARGES DUE) . . . \$ \_\_\_\_\_  
REFUND DUE TO APPLICANT \$ 203.00

*Refund*

(ZBA DISK#7-012192.FEE)

Approved: Patricia C. Banhart  
ZBA.



IAN SOUSA  
FILOMENA SOUSA  
456 PHILO ST.  
NEW WINDSOR, NY 12553

50-235 670  
219

6680

June 11 19 96

PAY TO THE  
ORDER OF

Town of New Windsor \$300.00  
Three Hundred Dollars - DOLLARS

THE BANK OF NEW YORK

67 LAFAYETTE AVENUE, SUFFERN, N.Y. 10901

MEMO

for Tepper ZBA #96-31 Filomena Sousa

⑆021902352⑆ ⑆0252131735⑆ 6680

NEW YORK'S FIRST BANK FOUNDED 1791

BNY STYLE 78

IAN SOUSA  
FILOMENA SOUSA  
456 PHILO ST.  
NEW WINDSOR, NY 12553

50-235 670  
219

6681

June 11 19 96

PAY TO THE  
ORDER OF

Town of New Windsor \$50.00  
Fifty Dollars - DOLLARS

THE BANK OF NEW YORK

67 LAFAYETTE AVENUE, SUFFERN, N.Y. 10901

MEMO

ZBA #96-31

Filomena Sousa

⑆021902352⑆ ⑆0252131735⑆ 6681

NEW YORK'S FIRST BANK FOUNDED 1791

BNY STYLE 78

In the Matter of the Application of

**ESTHER TEPPER**

**MEMORANDUM OF  
DECISION GRANTING  
AREA VARIANCE**

#96-31.

**WHEREAS, ESTHER TEPPER, 328 Nina Street, New Windsor, New York 12553, has made application before the Zoning Board of Appeals for a 5 ft. rear yard variance for an existing deck at the above residence in an R-4 zone; and**

**WHEREAS, a public hearing was held on the 24th day of June, 1996 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and**

**WHEREAS, the Applicant appeared before the Board for this proposal by Filomena Sousa, Realtor; and**

**WHEREAS, there were no spectators appearing at the public hearing; and**

**WHEREAS, no one spoke in opposition to the Application; and**

**WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and**

**WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:**

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.

2. The evidence presented by the Applicant showed that:

(a) The subject property is a one-family home located in a neighborhood of one-family homes.

(b) This variance is sought for an existing deck which had already been attached to the subject property.

(c) The deck has existed on the home for approximately seven year.

(d) During the time the deck has been on the home no complaints have been filed

with the Building Department or are known by Applicant.

(e) The property is situated so that the rear yard of the property where the deck is contained is so wooded that it is not readily visible from the neighboring properties.

(f) Without the deck on the premises, there would be a considerable drop between the rear exit of the house and the ground resulting in almost certain serious injury for anyone exiting the house by that doorway.

(g) No vegetation was removed or disturbed in connection with the construction of the deck.

(h) The deck does not interfere with any standing water or watercourse as the property is connected with municipal sewer and water and there is no septic system or leach field on the property.

(I) The deck as constructed is similar to other decks in the neighborhood.

**WHEREAS**, the Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is no other feasible method available to the Applicant which can produce the benefits sought.

3. The requested variance is not substantial.

4. The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed.

6. The benefit to the Applicant, if the requested variance is granted, outweigh the detriment to the health, safety and welfare of the neighborhood or community.

7. The requested variance is appropriate and is the minimum variance necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area

variance.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Zoning Board of Appeals of the Town of New Windsor GRANT a 5 ft. rear yard variance for existing deck located at the above residence, in an R-4 zone, as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

**BE IT FURTHER**

**RESOLVED**, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: August 12, 1996.

  
Chairman



# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

(82)

1763

June 11, 1996

Esther Tepper  
c/o Filomena Sousa  
328 Nina Street  
New Windsor, NY 12553

Re: Tax Map Parcel: 73-2-20

Dear Mrs. Tepper:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$105.00, minus your deposit of \$25.00. Please remit the balance of \$80.00 to the Town Clerk's Office.

Sincerely,

A handwritten signature in cursive script that reads "L. Cook".

LESLIE COOK  
Sole Assessor

/cd  
Attachments

cc: Pat Barnhart ZBA

Frank, Michael S. & Frank, Gay B., Trustees  
Under the Michael S. Frank & Gay B. Frank  
Joint Rev. Liv. Trust  
421 Philo St.  
New Windsor, NY 12553

Goldsmith, William C.  
423 Philo St.  
New Windsor, NY 12553

McCarthy, Patrick T. & MaryAnn  
425 Philo St.  
New Windsor, NY 12553

Molfetta, John & Beverly  
609 Sim St.  
New Windsor, NY 12553

Kostenblatt, Mary & William  
338 Nina St.  
New Windsor, NY 12553

DeMilt, Brendan F. & Susan D.  
336 Nina St.  
New Windsor, NY 12553

Wallace, Marilyn  
334 Nina St.  
New Windsor, NY 12553

Cohen, Elliott & Vicki  
332 Nina St.  
New Windsor, NY 12553

Nicolosi, Francis A. & Geraldine  
330 Nina St.  
New Windsor, NY 12553

Mittleman, Allen P. & Stephanie L.  
326 Nina St.  
New Windsor, NY 12553

Smith, Ray C. & Elizabeth A.  
357 Nina St.  
New Windsor, NY 12553

Bernstein, Myron & Phyllis F., As Trustees  
of the Myron Bernstein & The Phyllis Bernstein Liv. Trust  
355 Nina St.  
New Windsor, NY 12553

Stadler, Edward A. Jr. & Kathy A. Noll  
353 Nina St.  
New Windsor, NY 12553

Gordon, Robin S & Cornelia  
351 Nina St.  
New Windsor, NY 12553

Cabasin, Joseph J. & Dorothy C.  
349 Nina St.  
New Windsor, NY 12553

Grimm, Joseph J. JR. &  
Patricia A. Grimm  
Box 2866  
Newburgh, NY 12550

Cestari, Alfred & Maureen  
435 Philo St.  
New Windsor, NY 12553

Como, Joseph & Elizabeth  
433 Philo St.  
New Windsor, NY 12553

Liebgold, Daniel P &  
Margaret A  
225 Y Street  
New Windsor, NY 12553

Guarracino, John J. &  
Mary C.  
429 Philo St.  
New Windsor, NY 12553

Scott, Thomas & Joanne E.  
22-30 79 St.  
Jackson Heights, NY 11378

Hersh, Bob & Rosemary  
444 Philo St.  
New Windsor, NY 12553

Finneran, Thomas & Kathleen  
446 Philo St.  
New Windsor, NY 12553

Corcoran, William  
448 Philo St.  
New Windsor, NY 12553

Irizarry, Helga  
450 Philo St.  
New Windsor, NY 12553

Hofving, Kevin & Leslie  
452 Philo St.  
New Windsor, NY 12553

Adler, Nina  
454 Philo St.  
New Windsor, NY 12553

Sousa, Ian J. & Filomena  
456 Philo St.  
New Windsor, NY 12553

McKeon, Donald & Diana  
339 Nina St.  
New Windsor, NY 12553

Walden, Joseph & Lisa J.  
130 Meadow Ave.  
Newburgh, NY 12550

D'Agostino, Robert & Xiomara  
335 Nina St.  
New Windsor, NY 12553

Enders, Villi P  
333 Nina St.  
New Windsor, NY 12550

Breakiron, Richard C. &  
Bogardus, Anneke-Jans  
331 Nina St.  
New Windsor, NY 12553

Murphy, William S. JR.  
& Brandee L.  
329 Nina St.  
New Windsor, NY 12553

Canale, John N. &  
Catherine A.  
327 Nina St.  
New Windsor, NY 12553

Boro, Harold K. & Susan  
318 Nina St.  
New Windsor, NY 12553

Ramos, Robert & Paniela  
320 Nina St.  
New Windsor, NY 12553

Kresevic, John E. &  
Marilyn, Weissman  
322 Nina St.  
New Windsor, NY 12553

Weissman, Steven  
P.O. Box 4135  
New Windsor, NY 12553

Jessen, George III & Terri  
436 Philo St.  
New Windsor, NY 12553



Linnet, Richard C. & Rose X  
438 Philo St.  
New Windsor, NY 12553

Toback, Irwin & Mary X  
440 Philo St.  
New Windsor, NY 12550

Prego, Frank, & Deborah X  
442 Philo St.  
New Windsor, NY 12553

Dixon, Steven X  
325 Nina St.  
New Windsor, NY 12553

Volz, Robert J. & Mary F. X  
323 Nina St.  
New Windsor, NY 12553

Ostritsky, Mikhail &  
Alexandra Ostritskaya X  
321 Nina St.  
New Windsor, NY 12553

Graziano, Nancy & X  
Southerton, Donald  
319 Nina Street  
New Windsor, NY 12553

Hertel, Timothy & Joyce X  
71 Keats Drive  
New Windsor, NY 12553

Avallone, Ronald J. & Maureen L. X  
73 Keats Drive  
New Windsor, NY 12553

Kasprak, Robert J. & Catherine X  
75 Keats Dr.  
New Windsor, NY 12553

Mounier, Robert & Diane R. X  
77 Keats Drive  
New Windsor, NY 12553

Faig, Rprobett A. Jr. & X  
Antionette  
79 Keats Dr.  
New Windsor, NY 12553

Ford Consumer Finance CO. INC. X  
11311 Cornell Park Dr.  
Suite 400  
Cincinnati, OH 45242

Toromanides, Micheal & Eleni  
322 Burroughs Lane  
New Windsor, NY 12553

Lennon, James J & Helene M  
375 Bryon Lane  
New Windsor, NY 12553

Filipokowski, Raymond R. &  
Elizabeth  
373 Byron Lane  
New Windsor, NY 12553

McManus, Barbara  
350 Shelly RD  
New Windsor, NY 125523

D'esposito, Celeste  
352 Shelly Road  
New Windsor, NYH 12553

Pielli, Richard P & Kim A  
354 Shelly Road  
New Windsor, NY 12553

Ritosa, Joseph & Maria  
323 Burroughs Lane  
New Windsor, NY 12553

Scalia, Joseph M. & Teresa C.  
321 Burroughs Lane  
New Windsor, NY 12553

Oestel, George & Joanne  
319 Burroughs Lane  
New Windsor, NY 12553

Garfinkel, Jeff &  
Christine (Aka Jeffrey)  
317 Burroughs Lane  
New Windsor, NY 12553

Ruffino, Joan  
315 Burroughs Lane  
New Windsor, NY 12553

Resler, Andrew R & Sharon  
313 Burroughs Lane  
New Windsor, NY 12553

Frued, Richard K & Eileen P Mahon  
311 Burroughs Lane  
New Windsor, NY 12553

Stiliho, Frank J & Lenore  
66 Keats Dr.  
New Windsor, NY 12553

Swanson, Maurice & Theresa  
76 Keats DR.  
New Windsor, NY 12553

Henneberry, Brain & Melissa  
78 Keats Dr.  
New Windsor, NY 12553

Barden, Denis J & Carol A  
80 Keats Dr.  
New Windsor, NY 12553

Bell, Joseph & Angela  
82 Keats Dr.  
New Windsor, NY 12553

Brody, Michael & Kathleen M  
84 Keats Drive  
New Windsor, NY 12553

Lauria, Micheal R. & Jane  
86 Keats Dr.  
New Windsor, NY 12553

Marchesani, Anthony T &  
Beverley A  
88 Keats Dr.  
New Windsor, NY 12553

Schaefer, Warren L &  
Marion Knox  
95 Keats Drive  
New Windsor, NY 12553

D'Esposito, Victor & Rose  
93 Keats Drive  
New Windsor, NY 12553

Eng, Ben & Irena  
91 Keats Dr.  
New Windsor, NY 12553

Patterson, David R Jr. &  
Debra Ann  
89 Keats Dr.  
New Windsor, NY 12553

Ioannidis, Konstantinos & Margarita  
87 Keats Dr.  
New Windsor, NY 12553

Ramos, David & Migdalia  
85 Keats Dr.  
New Windsor, NY 12553

Talbot, Leo C & Sandra I  
83 Keats Dr.  
New Windsor, NY 12553

Sulla, Michael & Kathleen A Healy  
380 Frost Lane  
New Windsor, NY 12553

Date 6/26/96, 19.....

## TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553TO Frances Roth 147 Sycamore Dr. DR.  
New Windsor Ny 12553

DATE			CLAIMED	ALLOWED
<u>6/26/96</u>		Zoning Board Meeting	75 00	
		Misc. - 2		
		Bila - 2		
		Hortigamer - 18		
		Radich - 3		
		Tepper - 4 18.00		
		Schultz - 3 1	144 00	
		<u>32</u>		
			219 00	

PUBLIC HEARING

TEPPER, ESTHER

MR. NUGENT: Request for 5 ft. rear yard variance for existing deck at 328 Nina Street in an R-4 zone.

Ms. Filomena Sousa of Caldwell Banker appeared before the board for this proposal.

MR. NUGENT: Is there anyone in the audience for the public hearing of Esther Tepper other than the applicant? Let the record show that there is no one in the audience.

MS. SOUSA: My name is Philomena Sousa, Caldwell Banker. I'm representing Mrs. Tepper who is in a nursing home and her late husband and the home is for sale. They are under contract. We discovered along the way that the house did not have a C.O. that the deck did not have an C.O., the existing deck. Approximately seven years ago, Mr. Tepper had the old deck taken down cause it was quite rotten and he had a gentleman come in put and put a new deck which he made it bigger than the one that was there. We're requesting I believe I spoke to Ernie for a five foot variance.

MR. SCHMIDT: Six foot.

MR. SOUSA: And I have taken some pictures and it conforms to the community, doesn't get, you know, take away from any of the rest of the houses there.

MR. NUGENT: Did Ernie make the changes?

MS. BARNHART: You have to amend the notice of disapproval in our file and you also have to initial this.

MR. SCHMIDT: Okay.

MS. SOUSA: Yes, in the beginning it was going to be 5.

MR. NUGENT: I think we questioned about if you're a

little off.

MS. SOUSA: I had gone into the woods and couldn't find the stake so we're going for the extra half foot or so there. Basically, it is an existing deck, like I said, it's been there for seven years and there's really nothing that can be done to take it down, make it any smaller without knocking the whole thing down. The family at this point does not have the money to do so and they have requested we come in for a variance on it.

MR. KANE: So even though it's self-created, it's a financial hardship to make the change.

MS. SOUSA: Correct, it was self-created, the fact that they had redone the deck, but it is costing them an arm and leg and this whole proceeds of the home is going to the nursing home.

MR. KANE: Does that create a safety hazard to the area in the back there?

MS. SOUSA: No, it does not in the back yard, it's all treed behind it, you can't see it. As I showed from the pictures, if you are coming down the street, doesn't look any different than any other house there with the deck, coming up of the ends on Philo Street you can't even see the house and if you can show here, this is the house next door, it's the same deck basically coming up this end, you don't even see it and coming up the other end, you just see the house there.

MR. KRIEGER: When this deck was put up, what vegetation if any was removed to change this, just lawn.

MR. SOUSA: Basically nothing was removed. The existing deck was I think, I think ten feet and they went up over an extra four feet. As a matter of fact, the original owners did not do anything to the back yard as far as taking down trees the original trees are there, there's very little of a back yard because they left vegetation up they wanted for privacy.

MR. KANE: There's no accumulation of water or runoff created by this?

MS. SOUSA: No.

MR. KRIEGER: This house is served by municipal sewer and water so there's no septic?

MS. SOUSA: That is right.

MR. KRIEGER: And there are other decks similar to this in houses in the neighborhood?

MR. SOUSA: Yes.

MR. KRIEGER: As a general statement?

MR. SOUSA: As a matter of fact, the deck next door, the deck is identical, same builder.

MR. KRIEGER: This is located so that if there were not a deck there, somebody going out of the back of the house would be a safety problem?

MS. SOUSA: Well, yes, it is.

MR. KRIEGER: They'd fall a considerable distance?

MR. SOUSA: That is correct, the original sliding glass door is there and so yes, it would be a problem if the deck wasn't there and 90 percent of the, or 98 percent of the bilevels in there are all with decks, there's only a few that don't have decks.

MR. KRIEGER: You said the back is so wooded to the extent where it's not readily visible.

MS. SOUSA: No, it isn't, not the original, the owners had not removed any of the trees like that was part of the problem that people didn't have much lawn because they kept all the trees in the back, they wanted that for privacy, they didn't have children at the time, they were older when they had the house and liked the privacy. So there's just about maybe five or six feet of lawn and the rest is all treed. As a matter of fact



about 15 feet of trees between the property line and where the grass starts and there is a stone wall back there and you can't even see the stone wall cause it's all overgrown trees.

MR. KRIEGER: I have enough.

MS. BARHNART: Can I just say for the record I have an affidavit of service by mail here stating that I mailed out on June 14, 1996, 82 addressed envelopes containing the notice of public hearing and there's nobody here.

MR. NUGENT: Accept a motion.

MR. KANE: I move we approve the requested 6 foot rear yard variance for 328 Nina Street for Esther Tepper.

MR. REIS: Second it.

ROLL CALL

MR. REIS	AYE
MR. KANE	AYE
MR. LANGANKE	AYE
MR. NUGENT	AYE

Date 6/20/96, 19.....

# TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

TO Frances Roth 147 Sycamore Dr DR.  
New Windsor, NY 12553

DATE			CLAIMED	ALLOWED
6/10/96	Zoning Board Meetings		75 00	
	Misc - 2			
	Belle - 1			
	Cuttica - 3			
	Monaco - 9			
	Morse - 3			
	Schultz - 4			
	Castro - 5			
	<del>7.00</del> 9.00.			
	Lindemann - 4			
	Petronella - 4		166 50	
	37 pp		241 50	

~~REDACTED~~

MR. NUGENT: Request for 4 ft. 5 in. rear yard variance for existing deck at 328 Nina Street in an R-4 zone.

Filomena Sousa appeared before the board for this proposal.

MS. SOUSA: My name is Filomena Sousa, I'm with Caldwell Banker, I'm representing Esther Tepper, who is in a nursing home. I have her house currently for sale. There was an existing deck there that was replaced that the town does not have anything on record of the deck but there was one there with the sliding glass door when the house was built, I believe when the deck was torn down and rebuilt in 1989 that it was made bigger because none of the decks originally were that size, they were all 12 x 14 and now this is considerably larger, bigger, I have taken some pictures and I'll pass them around.

MR. NUGENT: How much bigger is the deck?

MS. SOUSA: We're requesting another four feet five inches, I think I should go a little bigger than that because I don't have the figures right in front of me.

MR. KANE: Is the cement patio part of the original?

MS. SOUSA: It is the original, yeah. Frank has gone out and checked it.

MR. NUGENT: Frank Lisi came up with these numbers?

MS. SOUSA: Yes, he did, we had originally taken the measurements and from what we--

MR. NUGENT: Do you have a stake, you found the stake or something to measure off of?

MS. SOUSA: According to this and going back how many feet and everything he figured it out but like I said, I think I'm going to have to go back and--

MR. NUGENT: I would rather be safe than sorry.

MS. SOUSA: I think we'll go for a bigger one.

MR. TORLEY: As such, it's not a substantial variance, whether it's four and a half feet or five feet.

MS. SOUSA: Basically requesting public hearing.

MR. NUGENT: We can make a change on the disapproval when you come back to the public hearing, if you decide that, that is what you want to do.

MS. SOUSA: I'll re-measure it.

MR. NUGENT: I would be as accurate as I could, if you need to find a stake or something in the back to make sure.

MS. SOUSA: Okay.

MR. REIS: Accept a motion?

MR. NUGENT: Yes.

MR. REIS: Make a motion that we set up Esther Tepper and Philomena Sousa for her requested variance for 32 Nina Street.

MR. KANE: Second it.

ROLL CALL

MR. REIS	AYE
MR. KANE	AYE
MR. LANGANKE	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

MR. KRIEGER: When you have come back, if you'd address yourself to the criteria as set forth on this sheet, those are the criteria which the state requires that the zoning board must consider so if you'd address yourself to those, it would be helpful.

MS. SOUSA: Okay, thank you.

Pls. publish immediately. Send bill to Applicant at below address.

PUBLIC NOTICE OF HEARING BEFORE  
ZONING BOARD OF APPEALS  
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 31

Request of Esther Tepper

for a VARIANCE of the Zoning Local Law to permit:

existing deck w/ insufficient rear yard;

being a VARIANCE of Section 48-12-Table of Use/Bulk  
Regs., Col. G

for property situated as follows:

328 Nina Street, New Windsor, N.Y.

known as tax lot Section 73 Block 2 Lot 20.

SAID HEARING will take place on the 24th day of June,  
1996, at New Windsor Town Hall, 555 Union Avenue, New Windsor,  
New York, beginning at 7:30 o'clock P. M.

James Nugent  
Chairman  
By: Patricia A. Barnhart  
Secy.

## POWER OF ATTORNEY

**NOTICE: THIS IS AN IMPORTANT DOCUMENT. BEFORE SIGNING THIS DOCUMENT, YOU SHOULD KNOW THESE IMPORTANT FACTS. THE PURPOSE OF THIS POWER OF ATTORNEY IS TO GIVE THE PERSON WHOM YOU DESIGNATE (YOUR "AGENT") BROAD POWERS TO HANDLE YOUR PROPERTY, WHICH MAY INCLUDE POWERS TO PLEDGE, SELL, OR OTHERWISE DISPOSE OF ANY REAL OR PERSONAL PROPERTY WITHOUT ADVANCE NOTICE TO YOU OR APPROVAL BY YOU. YOU MAY SPECIFY THAT THESE POWERS WILL EXIST EVEN AFTER YOU BECOME DISABLED, INCAPACITATED, OR INCOMPETENT. THE POWERS THAT YOU GIVE YOUR AGENT ARE EXPLAINED MORE FULLY IN NEW YORK GENERAL OBLIGATIONS LAW, ARTICLE 5, TITLE 15, SECTIONS 5-1502A THROUGH 5-1503, WHICH EXPRESSLY PERMITS THE USE OF ANY OTHER OR DIFFERENT FORM OF POWER OF ATTORNEY DESIRED BY THE PARTIES CONCERNED. THIS DOCUMENT DOES NOT AUTHORIZE ANYONE TO MAKE MEDICAL OR OTHER HEALTH CARE DECISIONS FOR YOU. IF THERE IS ANYTHING ABOUT THIS FORM THAT YOU DO NOT UNDERSTAND, YOU SHOULD ASK A LAWYER TO EXPLAIN IT TO YOU.**

*Know Everyone by These Presents*, which are intended to constitute a **GENERAL POWER OF ATTORNEY** pursuant to Article 5, Title 15 of the New York General Obligations Law:

That I, ESTHER TEPPER, residing at 328 Nina Street, New Windsor, New York 12553,  
(insert name and address of the principal)

do hereby appoint:

BEDELIA FRIES, residing at 341 Furnace Dock Road, Cortlandt Manor, New York 10566,  
(If 1 person is to be appointed agent, insert the name and address of the agent above)

OR

KRISTIN FRIES, residing at 341 Furnace Dock Road, Cortlandt Manor, New York 10566

(If 2 or more persons are to be appointed agents with each agent to be able to act **ALONE** without requiring the consent of any other agent appointed in order to act, insert the name and address above of each agent **SEPARATELY** appointed and **BE SURE TO** insert the word "OR" between **EACH** designation of an agent to show that **EACH** agent has **COMPLETE** power to act alone).

(If 2 or more persons are to be appointed agents to act **TOGETHER** and requiring the **JOINT** consent of **ALL** appointed agents to act with no one agent to be able to act alone, insert the names and addresses above of all agents **JOINTLY** appointed and **BE SURE TO** insert the word "AND" between **EVERY** designation of each agent to indicate that **ALL** agents listed are required to act together and **NONE** can act alone).

**MY ATTORNEY(S)-IN-FACT TO ACT                      SEPARATELY**

(If more than one agent is designated and the principal wants each agent alone to be able to exercise the power conferred, insert in the blank the word "SEPARATELY").

does not authorize my agent(s) to make medical or health care decisions for me.

**Document  
Conflicts**

I realize that the exercise of the broad rights given to my agent(s) herein may conflict with, or be contrary to, my Will or to another instrument to which I am a party but I nevertheless wish that this document and the actions taken pursuant to this instrument be paramount to my Will and to any other instrument.

**Personal  
Rights**

To exercise and/or fail or refuse to exercise any and all rights, powers and privileges available to the principal as a resident of a nursing facility as such rights, powers and privileges are set forth in the New York State Public Health Law, in the Omnibus Budget Reconciliation Act of 1987, Section 504 of the Rehabilitation Act of 1973, Title III of the Americans with Disabilities Act, and any successor or new legislation superseding, amending or adding to any of the foregoing statutes, whether state or federal, and regulations promulgated under the foregoing.

(Special provisions and limitations may be included in the statutory short form power of attorney only if they conform to the requirements of section 5-1503 of the New York General Obligations Law.)

TO INDUCE ANY THIRD PARTY TO ACT HEREUNDER, I HEREBY AGREE THAT ANY THIRD PARTY RECEIVING A DULY EXECUTED COPY OR FACSIMILE OF THIS INSTRUMENT MAY ACT HEREUNDER, AND THAT REVOCATION OR TERMINATION HEREOF SHALL BE INEFFECTIVE AS TO SUCH THIRD PARTY UNLESS AND UNTIL ACTUAL NOTICE OR KNOWLEDGE OF SUCH REVOCATION OR TERMINATION SHALL HAVE BEEN RECEIVED BY SUCH THIRD PARTY, AND I FOR MYSELF AND FOR MY HEIRS, EXECUTORS, LEGAL REPRESENTATIVES AND ASSIGNS, HEREBY AGREE TO INDEMNIFY AND HOLD HARMLESS ANY SUCH THIRD PARTY FROM AND AGAINST ANY AND ALL CLAIMS THAT MAY ARISE AGAINST SUCH THIRD PARTY BY REASON OF SUCH THIRD PARTY HAVING RELIED ON THE PROVISIONS OF THIS INSTRUMENT.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed my seal this 16<sup>th</sup> day of October, 1995.

Esther Topper (Seal)  
(Signature of Principal)  
ESTHER TOPPER

**ACKNOWLEDGEMENT**

STATE OF NEW YORK

COUNTY OF WESTCHESTER

ss.:

On October 16, 1995 before me personally came ESTHER TOPPER to me known, and known to me to be the individual described in, and who executed the foregoing instrument, and she acknowledged that she executed the same.

CYBELE M. L. LONGO  
Notary Public, State of New York  
No. 4888756  
Qualified in Westchester County  
Commission Expires April 6, 1997

Cybele M. L. Longo  
Notary Public

permissible annual gift giving tax exclusion or any other exclusion or exemption which may be available. In making such gifts, however, if my taxable federal estate is anticipated to be less than the applicable lifetime and at death federal tax exemption, I prefer that gifts of appreciated property not be made except by utilizing methods by which the gift will not be complete for tax purposes so that my estate will obtain the benefit of step up in tax basis upon my death, or, if there is a change in the federal estate and gift tax laws subsequent to the date hereof my agent(s) are authorized and empowered to seek new, different or other methods toward effecting overall tax savings.

**Governmental  
Dealings**

I authorize my agent(s) to obtain maximum entitlements and benefits related to taxes, medicare, medicaid, social security, and other similar or dissimilar government programs, whether federal, state or local and to deal with all governmental agencies to obtain same.

**Rights  
Available**

I authorize my agent(s) to exercise in whole or in part or decline to to exercise all statutory and other rights including but not limited to rights of election, disclaimers and renunciations. I further authorize my agent(s) to exercise in whole or in part or decline to exercise my rights under any special or general powers of appointment or any rights retained by me in respect of trusts or other entities I may have created.

**Trust  
Activity(ies)**

I authorize my agent(s) to establish, create, and fund with my assets and/or the assets of others any trust whether or not any such trust was previously created or created hereafter and whether or not any such trust is for my benefit and/or for the benefit of others. In that regard, my agent(s) are authorized to impose terms and conditions which, to my agent(s), are for my benefit or in my best interests, or in the best interests of my spouse, if any, and/or my issue.

**Other Entity  
Activity(ies)**

I authorize my agent(s) to invest in, contribute to, establish, create, and fund with my assets and/or the assets of others any existing or newly created partnership, corporation, limited liability company, limited liability partnership, or other entity and to exercise all rights pertaining thereto.

**Marital  
Agreements**

I authorize my agent(s) to enter into, modify or amend any pre or post nuptial agreement to which I am or hereafter become a party.

**Medical Care  
Agreement**

I authorize my agent(s) to enter into any contract or modification thereof in respect of any medical, personal or general care that I may need at my residence, in another's residence, or in a nursing facility but this grant of authority



(If more than one agent is designated and the principal wants all of the designated agents together to exercise the power conferred, insert in this blank the word "JOINTLY").

(The failure to make any insertion in this blank will require the agents to act either separately or jointly, in accordance with the principal's use of the word "OR" or the other word "AND" between every respective designation of such agents above. If the principal's wishes cannot be determined because he or she fails to insert the word "OR", "AND", "SEPARATELY", or "JOINTLY" as he or she is asked to do above, the principal will be deemed to require the agents designated above to act jointly).

**IN MY NAME, PLACE AND STEAD** in any way which I myself could do, if I were personally present, with respect to the following matters as each of them is defined in Title 15 of Article 5 of the New York General Obligations Law to the extent that I am permitted by law to act through an agent:

**Initial in the opposite box any one or more of the subdivisions as to which the principal WANTS to give the agent authority.**

(NOTICE: The principal must write his or her initials in the corresponding blank space of a box below with respect to each of the subdivisions (A) through (N) below for which the principal WANTS to give the agent(s) authority. If the blank space within a box for any particular subdivision is NOT initialed, NO AUTHORITY WILL BE GRANTED for matters that are included in that subdivision).

- |   |   |
|---|---|
| (A) real estate transactions; . . . . . [ET]                  | (K) records, reports and statements; . . . . . [EA] |
| (B) chattel and goods transactions; . . [ET]                  | (L) full and unqualified authority to               |
| (C) bond, share and commodity<br>transactions; . . . . . [EA] | my attorney(s)-in-fact to delegate                  |
| (D) banking transactions; . . . . . [ET]                      | any or all of the foregoing powers                  |
| (E) business operating transactions; . [ET]                   | to any person or persons whom my                    |
| (F) insurance transactions; . . . . . [ET]                    | attorney(s)-in-fact shall select; . . . . . [ET]    |
| (G) estate transactions; . . . . . [EA]                       | (M) all other matters; . . . . . [ET]               |
| (H) claims and litigation; . . . . . [ET]                     | (N) if the blank space in the box to                |
| (I) personal relationships<br>and affairs; . . . . . [ET]     | the right is initialed by the principal,            |
| (J) benefits from military service; . . [EA]                  | this power of attorney shall not be                 |
|   | affected by the subsequent disability               |
|   | or incompetence of the principal; . . . . [ET]      |

**In conformance with New York General Obligations Law, Article 5, Title 15, Section 5-1503.3, I hereby include the following additional powers:**

**Gift Giving**

I specifically authorize and empower my agent(s) to make gifts (including but not limited to gifts to my agent(s)) in order to reduce the assets and income in my ownership for any purpose(s) or for no purpose and I specifically authorize my agent(s) to make gifts without regard to my history of gift giving, if any, and without reference to, or concern for, any

*Prelim.*  
*June 10, 1996.*  
*#96-31*

OFFICE OF THE BUILDING INSPECTOR - TOWN OF NEW WINDSOR  
ORANGE COUNTY, NEW YORK

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: MAY 23, 1996

APPLICANT: ESTHER TEPPER/ % FILOMENA SOUSA  
328 NINA STREET  
NEW WINDSOR, N.Y. 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED: MAY 22, 1996

FOR (BUILDING PERMIT):

LOCATED AT: 328 NINA STREET

ZONE: R-4

DESCRIPTION OF EXISTING SITE: SECTION: 73, BLOCK: 2, LOT: 20  
EXISTING ONE (1) FAMILY HOUSE

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. INSUFFICIENT REAR YARD SET-BACK FOR EXISTING DECK.

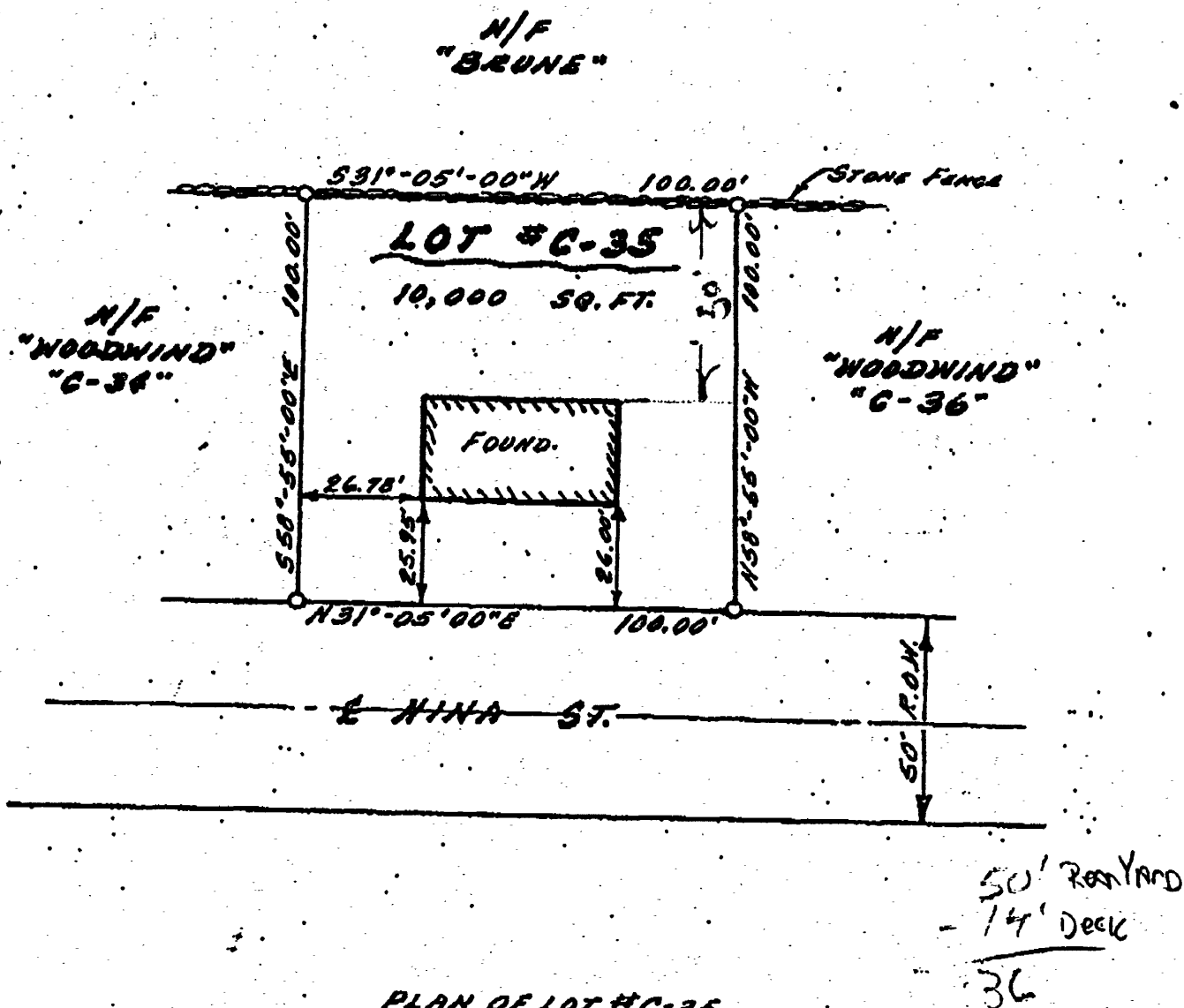
*Frank Jini*  
BUILDING INSPECTOR

\*\*\*\*\*

REQUIREMENTS	PROPOSED OR AVAILABLE	VARIANCE REQUEST
ZONE: R-4      USE 10-6		
REQ'D REAR YD. 40 FT.	34' 0" <i>08</i> <del>35 FT. 3 IN.</del>	6' 0" <i>08</i> <del>4 FT. 5 IN.</del>

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT  
914-563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD

CC: Z.B.A., APPLICANT, B.P. FILES.



PLAN OF LOT #C-35  
"WOODWIND"

TOWN OF NEW WINDSOR, ORANGE CO., N. Y.

SCALE: 1"=40'

APRIL 23, 1996

TO: AMER. TITLE INS. CO. AND HERITAGE  
SAVINGS BANK



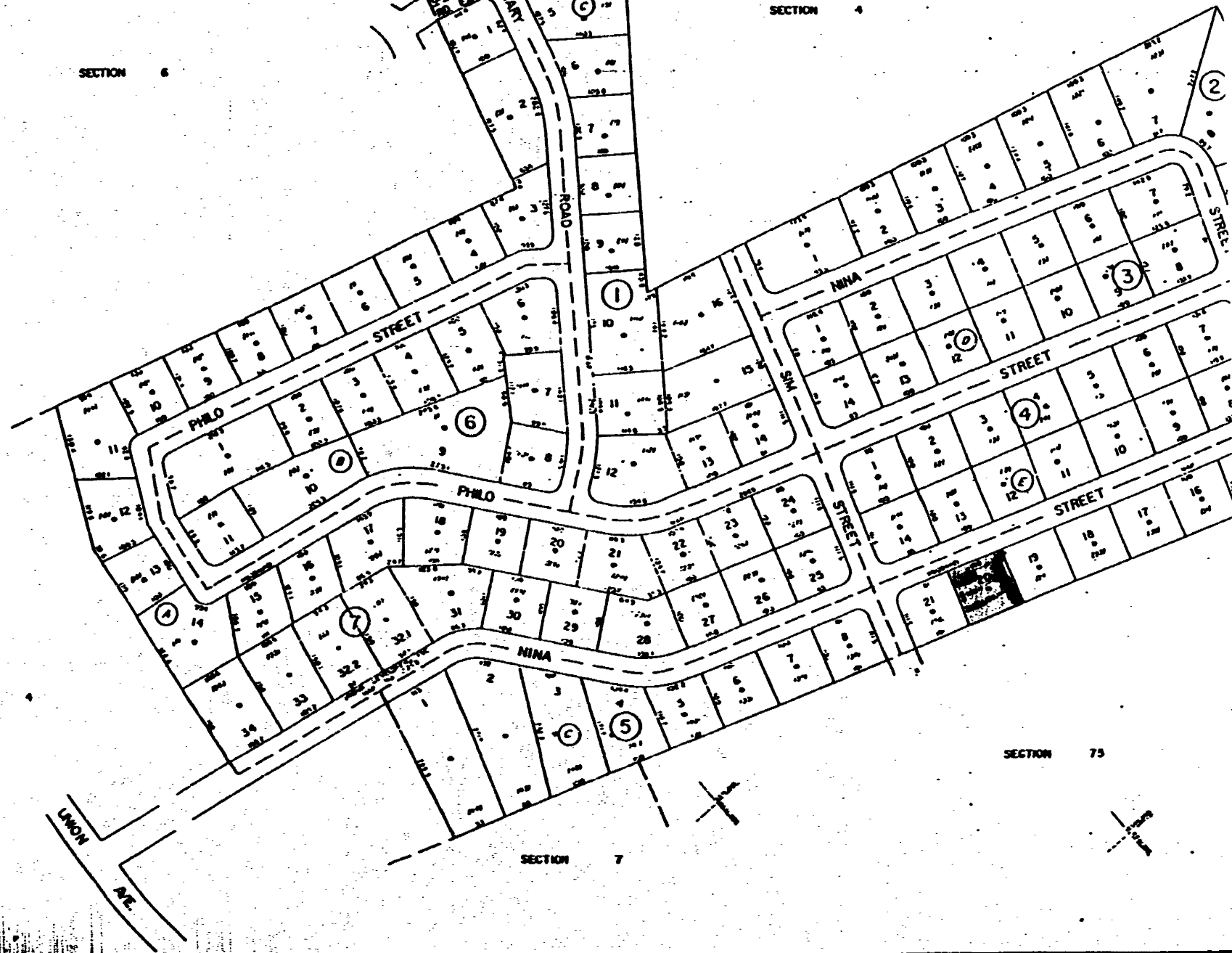
SECTION 6



SECTION 4



SECTION 4



UNION  
AVE

SECTION 7

SECTION 75

LEGEND

ORANGE COUNTY

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR  
COUNTY OF ORANGE : STATE OF NEW YORK

-----x  
In the Matter of Application for Variance of

Esther Tepper

Applicant.

AFFIDAVIT OF  
SERVICE  
BY MAIL

#96-31

-----x  
STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE )

PATRICIA A. BARNHART, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 7 Franklin Avenue, New Windsor, N. Y. 12553.

On June 14, 1996, I compared the 82 addressed envelopes containing the attached Notice of Public Hearing with the certified list provided by the Assessor regarding the above application for variance and I find that the addressees are identical to the list received. I then mailed the envelopes in a U. S. Depository within the Town of New Windsor.

Patricia A. Barnhart  
Patricia A. Barnhart

Sworn to before me this  
14<sup>th</sup> day of June, 1996.

Deborah Green  
Notary Public

DEBORAH GREEN  
Notary Public, State of New York  
Qualified in Orange County  
# 4984065  
Commission Expires July 15, 1997

(TA DOCDISK#7-030586.AOS)

TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

# 96-31

Date: 6/11/96.

I. ✓ Applicant Information:

- (a) ESTHER TEPPER 328 NINA St New Windsor X.  
(Name, address and phone of Applicant) (Owner)
- (b) \_\_\_\_\_  
(Name, address and phone of purchaser or lessee)
- (c) \_\_\_\_\_  
(Name, address and phone of attorney)
- (d) Filomena Sousa @ Coldwell Banker 2398 Rt 32 New Windsor / 534-5555  
(Name, address and phone of ~~contractor~~/engineer/architect)  
AGENT

II. Application type:

- ☐ Use Variance ☐ Sign Variance
- ☒ Area Variance ☐ Interpretation

III. ✓ Property Information:

- (a) K-4 328 NINA St New Windsor 73-2-20 100 x 100.  
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? N/A.
- (c) Is a pending sale or lease subject to ZBA approval of this application? yes.
- (d) When was property purchased by present owner? 1974.
- (e) Has property been subdivided previously? No.
- (f) Has property been subject of variance previously? No.  
If so, when? \_\_\_\_\_.
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? No.
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: None
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

IV. Use Variance. N/A

- (a) Use Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_, to allow:  
(Describe proposal) \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

N/A.  
(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

(c) N/A Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes \_\_\_\_\_ No X.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

✓ V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Use/Bulk Regs., Col. G.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area		
Min. Lot Width		
Reqd. Front Yd.		
Reqd. Side Yd.	<u>34' 08"</u>	<u>6' 08"</u>
Reqd. Rear Yd.	<u>40 Ft.</u>	<u>35 Ft. 5 in.</u>
Reqd. Street Frontage*		<u>4 Ft. 5 in.</u>
Max. Bldg. Hgt.		
Min. Floor Area*		
Dev. Coverage* %		
Floor Area Ratio**		
Parking Area		

\* Residential Districts only

\*\* No-residential districts only

✓ (b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

✓ whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

X. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(You may attach additional paperwork if more space is needed)

VI. Sign Variance: *N/A*

(a) Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

*N/A*  
(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*N/A*  
(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

\_\_\_\_\_  
\_\_\_\_\_

VII. Interpretation. *N/A*

(a) Interpretation requested of New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_.

(b) Describe in detail the proposal before the Board:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

✓ VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or



✓upgraded and that the intent and spirit of the New Windsor zoning is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

Existing deck was erected by the late Mr. Pepper approx. 7 yrs. ago. The deck was built with quality materials and tastefully designed to enhance the existing house. The deck does not infringe on the view of the surrounding property.

IX. Attachments required:

- ✓ Copy of referral from Bldg./Zoning Insp. or Planning Bd.
- ✓ Copy of tax map showing adjacent properties.
- nh Copy of contract of sale, lease or franchise agreement.
- ✓ Copy of deed and title policy.
- ✓ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- nh Copy(ies) of sign(s) with dimensions and location.
- ✓ Two (2) checks, one in the amount of \$50.00 and the second check in the amount of \$300.00, each payable to the TOWN OF NEW WINDSOR.
- ✓ Photographs of existing premises from several angles.

X. Affidavit.

Date: 6/11/96.

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE )

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Richard J. P. for  
(Applicant) Eather Pepper

Sworn to before me this

11th day of June, 1996.

Patricia A. Barnhart

XI. ZBA Action:

(a) Public Hearing date: \_\_\_\_\_

PATRICIA A. BARNHART  
Notary Public, State of New York  
No. 01BA4904434  
Qualified in Orange County  
Commission Expires August 31, 1997.

(b) Variance: Granted (\_\_\_\_) Denied (\_\_\_\_)

(c) Restrictions or conditions: \_\_\_\_\_

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)

PROXY AFFIDAVIT

SUBMISSION OF APPLICATION FOR VARIANCE # 96-31

ZONING BOARD OF APPEALS

TOWN OF NEW WINDSOR

STATE OF NEW YORK)

SS.:

COUNTY OF ORANGE )

Bedelia Jones, deposes and says:  
I am the OWNER of a certain parcel of land within the TOWN OF NEW  
WINDSOR designated as tax map SECTION 73 BLOCK 2  
LOT 20. I HEREBY AUTHORIZE Edmundo Sousa  
of Caldwell Banker (Puerto Rico) Ltd. (company name) to make an  
application before the ZONING BOARD OF APPEALS as described in  
the within application.

Dated: 6/10/96.

Bedelia Jones P.O.A. for  
(Signature of Owner)  
Edmundo Sousa

Sworn to before me this

11th day of June, 1996.

Patricia A. Barnhart  
Notary Public

(ZBA DISK#1-060895.FXY)

PATRICIA A. BARNHART  
Notary Public, State of New York  
No. 01BA4904434  
Qualified in Orange County  
Commission Expires August 31, 1997.

LIBER 1985 PG 110

**THIS INDENTURE**, made the 22nd day of June, July, nineteen hundred and seventy-four  
**BETWEEN** INBRO DEVELOPMENT CORP.,

a New York Corporation with offices and principal place of business at  
Union Avenue, New Windsor, N. Y.,

party of the first part, and SAMUEL B. TEPPER and ESTHER TEPPER,

husband and wife, as tenants by the entirety, residing at  
205 East 238th Street, Bronx, N. Y.,

party of the second part,

**WITNESSETH**, that the party of the first part, in consideration of ten dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

**ALL** that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the

Town of New Windsor, County of Orange, State of New York,

being shown and designated as Lot #35, Block C as shown on a certain map .

entitled "Woodwind" (formerly MacNary) Town of New Windsor, Orange County.

New York, dated February 1972, revised April 18, 1972 and filed in the

Orange County Clerk's Office on September 26, 1972 as Map #2869 (2 sheets).

**SUBJECT** to covenants, restrictions and easements of record, if any.

This conveyance is made in the regular course of business as conducted  
by the party of the first part.

~~TO HAVE AND TO HOLD unto the heirs and assigns of the party of the first part in and to any street and~~  
~~and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO~~  
~~HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of~~  
TOGETHER with the appurtenances  
and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO  
HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of  
the party of the second part forever.

|| AND the party of the first part covenants that the party of the first part has not done or suffered anything  
whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of  
the first part will receive the consideration for this conveyance and will hold the right to receive such consid-  
eration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply  
the same first to the payment of the cost of the improvement before using any part of the total of the same for  
any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above

written

IN PRESENCE OF:

INBRO DEVELOPMENT CORP.

By: Israil Ingberman

On the            day of            19            , before me  
personally came

to me known to be the individual            described in and who  
executed the foregoing instrument, and acknowledged that  
executed the same.

STATE OF NEW YORK, COUNTY OF ORANGE            SS:

On the 22nd day of ~~June~~ July 1974 , before me  
personally came Israel Ingberman  
to me known, who, being by me duly sworn, did depose and  
say that he resides at No. 2277 Homecrest Ave  
Brooklyn, NY ;  
that he is the Secretary  
of INBRO DEVELOPMENT CORP.

the corporation described  
in and which executed the foregoing instrument; that he  
knows the seal of said corporation; that the seal affixed  
to said instrument is such corporate seal; that it was so  
affixed by order of the board of directors of said corpora-  
tion, and that he signed his name thereto by like order.

Marcia L. Scheible

MARCIA L. SCHEIBLE  
Notary Public, State of New York  
Qualified in Orange County  
Commission Expires March 30, 1976

On the            day of            19            , before me  
personally came

to me known to be the individual            described in and who  
executed the foregoing instrument, and acknowledged that  
executed the same.

STATE OF NEW YORK, COUNTY OF            SS:

On the            day of            19            , before me  
personally came  
the subscribing witness to the foregoing instrument, with  
whom I am personally acquainted, who, being by me duly  
sworn, did depose and say that he resides at No.

that he knows

to be the individual  
described in and who executed the foregoing instrument;  
that he, said subscribing witness, was present and saw  
execute the same; and that he, said witness,  
at the same time subscribed his name as witness thereto.

**Bargain and Sale Deed**  
WITH COVENANT AGAINST GRANTOR'S ACTS

TITLE NO.

INBRO DEVELOPMENT CORP.

TO

SAMUEL B. TEPPER and ESTHER TEPPER

SECTION

BLOCK

LOT

COUNTY OR TOWN

Recorded at Request of  
CHICAGO TITLE INSURANCE COMPANY

Return by Mail to

STANDARD FORM OF NEW YORK BOARD OF TITLE UNDERWRITERS

Distributed by

**CHICAGO TITLE  
INSURANCE COMPANY**

*Bernard & Simmons ES*  
*Box 2335*  
*Newburgh N.Y.*  
Zip No. *12550*

1705-  
4-  
Hill-Hobbs

RESERVE THIS SPACE FOR USE OF RECORDING OFFICE

ORANGE  
COUNTY

049510

REAL ESTATE  
TRANSFER TAX  
Dept. of  
Taxation JUL 29 '74  
& Finance



STATE OF  
NEW YORK

17.05

P.B. 15551

*Chubb*

LIBER 1985 PG 111

Orange County Clerk's Office, S.S.  
Recorded on the *25th* day  
of *July* 19*74* at *11:30*  
o'clock *A.M.* in Liber *1985*  
& Examined.  
at page *111*.

*E. J. ...*

11-11-74